

**NATURAL RESOURCE COMMISSION[571]**

**Notice of Intended Action**

**Proposing rule making related to definitions of species  
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 112, “Hunting Preserves,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6) and 484B.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 484B.1 and 484B.3(1).

*Purpose and Summary*

Chapter 112 contains rules governing hunting preserves. This proposed rule making would amend rule 571—112.1(484B), which provides definitions of terms used in Chapter 112, including the term “ungulate.” “Ungulate” is also defined in Iowa Code chapter 484B, “Hunting Preserves,” and an inconsistency currently exists between the definition in the rule and the statutory definition. Because the definition of “ungulate” affects what species may be kept and hunted on a hunting preserve, this inconsistency risks confusion for hunting preserve licensees and hunters. This proposed rule making would adopt the statutory definition by reference and thereby resolve the inconsistency and ensure that Department of Natural Resources (Department) permitting and enforcement practices conform to state law.

Rule 571—112.1(484B) also provides a definition of the term “game birds.” This same term is defined in Iowa Code chapter 484B. 2021 Iowa Acts, House File 747, which was signed by Governor Reynolds on April 30, 2021, and took effect July 1, 2021, includes an amendment to the statutory definition of “game birds.” The current definition in the rule differs from the recently amended statutory definition. This proposed rule making would adopt the statutory definition by reference and thereby avoid any inconsistencies.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

*Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 2, 2022. Comments should be directed to:

Karmin Klingenberg  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319  
Email: [karmin.klingenberg@dnr.iowa.gov](mailto:karmin.klingenberg@dnr.iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Karmin Klingenberg via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Karmin Klingenberg prior to the hearing to facilitate an orderly hearing.

February 2, 2022  
1:30 p.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule **571—112.1(484B)**, definitions of “Game birds” and “Ungulate,” as follows:

“*Game birds*” means ~~pen-reared birds of the family gallinae and mallard ducks~~ the same as defined in Iowa Code section 484B.1(5).

“*Ungulate*” means ~~pen-reared, hoofed, nondomesticated mammal (big game)~~ the same as defined in Iowa Code section 484B.1(10).